

**STATE OF LOUISIANA
LEGISLATIVE AUDITOR**

Corrections and Justice

**Staff Study
March 1995**



Performance Audit Division

***Daniel G. Kyle, Ph.D., CPA, CFE
Legislative Auditor***

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Office of Legislative Auditor
State of Louisiana

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March 8, 1995

Honorable Samuel B. Nunez, Jr.,
President of the Senate
Honorable John A. Alario, Jr.,
Speaker of the House of Representatives
and
Members of the Legislative Audit Advisory Council

Dear Legislators:

This is our staff study of selected Corrections and Justice issues in Louisiana. This staff study was conducted as part of Phase Two of the Select Council on Revenues and Expenditures in Louisiana's Future (SECURE) project.

This staff study represents our findings, conclusions, and recommendations. We have also identified matters for legislative consideration. Included in Appendix I is the response of the Department of Public Safety and Corrections.

Sincerely,

A handwritten signature in cursive script that reads "Daniel G. Kyle".

Daniel G. Kyle, CPA, CFE
Legislative Auditor

DGK/jl

(LEGLTRI)



Office of Legislative Auditor

Executive Summary

Staff Study Corrections and Justice

During Phase Two of the SECURE effort, the Legislative Auditor was assigned further study of Corrections and Justice issues in Louisiana. Our study of these issues found that:

- ◆ Louisiana implemented Felony Sentencing Guidelines in 1992. However, Louisiana does not monitor their use by the courts or track the effects of this new sentencing structure on the criminal justice system.
- ◆ The Division of Probation and Parole currently assigns caseloads to agents that exceed the statutory limit by 70 percent.
- ◆ Despite receiving certification in January 1994 to participate in the Federal Prison Industry Enhancement Program, only one program is currently operating in Louisiana.
- ◆ Limited data are available to compare the operating cost differences of state and privately managed prisons. There has also been no comprehensive evaluation of the differences in service delivery. In addition, there are other issues that need to be addressed regarding further privatization efforts.
- ◆ The current per diem paid to local sheriffs for housing state prisoners is not based on an evaluation of actual costs incurred by the local jails.

Chapter One: Introduction

Report Conclusions

To impose criminal sanctions for felony offenses, Louisiana implemented advisory Felony Sentencing Guidelines in 1992. Since implementation of these guidelines, however, the state has not monitored their use by the courts or evaluated the extent to which sentencing judges deviate from them. In addition, the effect of these guidelines on the overall criminal justice system has not been tracked.

The Division of Probation and Parole currently assigns caseloads to agents that exceed the statutory limit by 70 percent. The Division administers more programs and has the third highest number of offenders per agent of the southern states. Furthermore, legislative changes to registration and reporting requirements for sex offenders have increased the agents' workload over the last three years. Increased workloads and uncompetitive salaries have contributed to the Division's difficulty in attracting and retaining agents.

Despite receiving certification in January 1994 to participate in the Federal Prison Industry Enhancement Program, only one program is currently operating in Louisiana.

There are limited data available to compare the operating cost differences of state and privately managed prisons. There has also been no comprehensive evaluation of the differences in service delivery. In addition, there are other crucial issues, such as security and liability, that must be addressed before a decision is made to privatize the operation of more prisons.

Louisiana currently pays local sheriffs a per diem rate of \$21 to house state prisoners. This rate is not based on the actual cost of housing prisoners in local jails. Instead, it is based on an average of per diems in other southern states, which may not be the most accurate means of reimbursement.

Study Initiation and Objectives

Senate Concurrent Resolution No. 17 of the 1994 third Extraordinary Legislative Session directed the Office of Legislative Auditor to assist the Select Council on Revenues and Expenditures in Louisiana's Future (SECURE). This directive is further described in Appendix A. Specifically, SECURE Phase Two requested studies in the area of general government relating to Corrections and Justice. In Phase One, SECURE made the following recommendations regarding Corrections and Justice:

- ♦ Develop a plan for moving the state to a structured sentencing approach for criminal punishment.
- ♦ Determine whether the statutory limit on probation and parole agents' caseloads is appropriate and recommend staffing changes, release policies, or staffing adjustments where necessary.
- ♦ Evaluate the Federal Prison Industry Enhancement Program for solicitation of private company contracts for inmate labor.
- ♦ Consider conversion of additional state-managed prisons to privately-managed prisons.
- ♦ Study the advisability of restructuring the per diem payment for housing state prisoners locally.

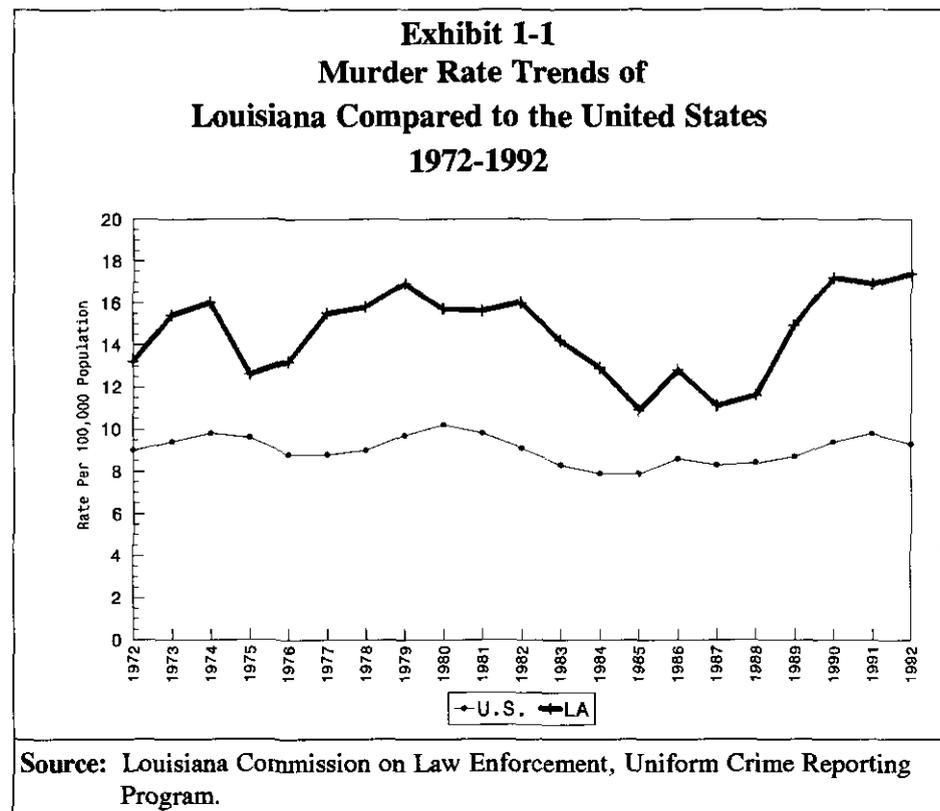
In Phase Two, we conducted further study of these issues.

Background

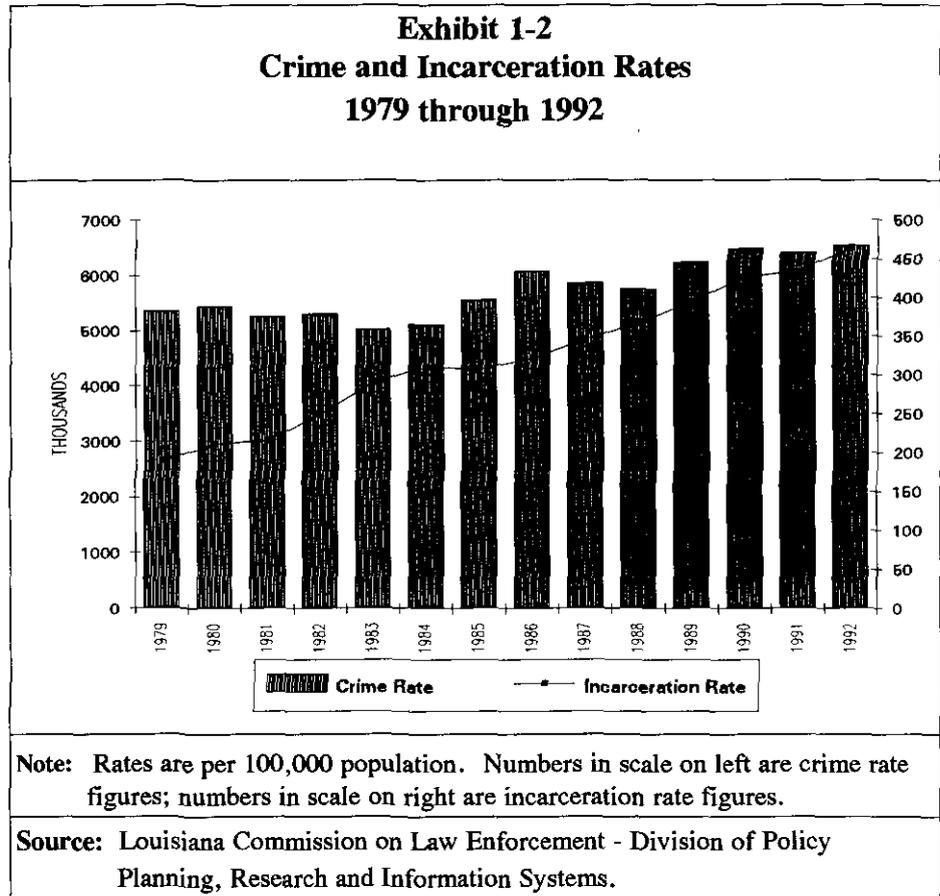
Crime State Rankings has named Louisiana 1994's "Most Dangerous State." This publication compares factors such as state crime rates, juvenile crime statistics, crime clearances, police protection, and expenditures.

According to a report prepared by the Louisiana Commission on Law Enforcement, in 1992, Louisiana's ranking in violent crime (per 100,000 population) was fifth in the nation. During that same year, Louisiana ranked first among southern states in murder rate, second in robbery rate, third in aggravated assault rate, and seventh in rape rate.

Louisiana's murder rate has increased by 110 percent since 1960. As shown in Exhibit 1-1 on the following page, during the entire period from 1972 to 1992, Louisiana maintained a significantly higher murder rate than the nation as a whole.



Most states, including Louisiana, have responded to rising crime rates by building more prisons and incarcerating more offenders. Between 1979 and 1992, Louisiana's incarceration rate increased 144 percent in response to a rate of crime that increased 22 percent during the same time period. This information is shown in Exhibit 1-2 on the following page. In 1992, Louisiana had the highest state incarceration rate in the nation (478 per 100,000 population).



According to data obtained from the Legislative Fiscal Office, as of July 1, 1994, Louisiana ranked second among southern states in terms of the number of state inmates (per 100,000 population) housed in state and local jails. Although the state's correctional facilities are operating at 101 percent capacity and the state prison population has spilled over into the local jail systems, higher incarceration rates have not been shown to have an impact on crime rates.

Expenditures for corrections have almost tripled over the past 10 years in the southern states. As shown in Exhibit 1-3 on the following page, southern states are expected to pay an average of \$534,573,000 for corrections services during fiscal year 1994-1995.

Exhibit 1-3 Projected Corrections Expenditures for the Southern States Fiscal Year 1994-1995 (Expressed in Thousands)	
STATE	PROJECTED EXPENDITURES
ALABAMA	\$137,900
ARKANSAS	\$120,476
FLORIDA	\$935,362
GEORGIA	\$683,984
KENTUCKY	\$119,922
LOUISIANA	\$194,249
MARYLAND	\$389,700
MISSISSIPPI	\$113,403
MISSOURI	\$242,484
NORTH CAROLINA	\$548,528
OKLAHOMA	\$186,360
SOUTH CAROLINA	\$234,543
TENNESSEE	\$353,305
TEXAS	\$3,900,000
VIRGINIA	\$350,945
WEST VIRGINIA	\$42,000
TOTAL	\$8,553,161
AVERAGE	\$534,573
Source: Prepared by Legislative Auditor's staff using information provided by the Legislative Fiscal Office, 1994.	

Ensuring public safety is the cornerstone of all corrections programs. Although Louisiana continues to incarcerate more and more offenders and devote larger amounts of funds to corrections services, statistics indicate that the system is not meeting its primary objective.

The increase in crime rates and the rising costs of corrections services have forced states to re-examine their corrections policies. States have begun to realize that the criminal justice system is a dynamic entity that begins with the sentencing process, the point at which the offender enters the correctional system and ends with the community-based rehabilitation programs, such as probation and parole supervision. *This is the point at which the offender has begun the process of being reintegrated back into society.* Sentencing policies have a great impact on the number of people that will be incarcerated or placed in community-based programs, which in turn impacts the state's corrections budget.

In an attempt to gain control over corrections spending and to minimize prison overcrowding, Louisiana is trying to use its limited resources more wisely while, at the same time, maximizing public safety.

Scope and Methodology

This report is a staff study and not a performance audit. Our work began in August 1994 and was completed in February 1995.

To address the study items, we reviewed applicable state laws, relevant budget data, media information, the Violent Crime Control and Law Enforcement Act of 1994, and reports and statistics on criminal justice prepared by other audit and research agencies and advocacy groups.

We also conducted interviews with officials from the Department of Public Safety and Corrections, the Louisiana Sentencing Commission, the Division of Administration, and legislative fiscal and committee staff.

In addition, we analyzed relevant program information and policies and procedures of the Probation and Parole and Prison Enterprises Divisions within the Department of Public Safety and Corrections. This analysis included the review of a

contract between the Department of Public Safety and Corrections and a private company to use inmate labor as part of the Prison Industry Enhancement Program, as well as contracts between the state and two private corporations for the management of two state-owned prisons.

Finally, we reviewed surveys conducted by the Louisiana Sheriffs' Association and the Legislative Fiscal Office on the southern averages of per diems paid to local jails for housing state inmates and made follow-up calls to those sources to verify the information. In addition, we contacted each state listed in the surveys to obtain additional information.

Report Organization

The remainder of this report is organized as follows:

- ♦ **Chapter Two** describes Louisiana's advisory Felony Sentencing Guidelines and their origin and objectives and compares them to other states' sentencing structures.
- ♦ **Chapter Three** addresses the Division of Probation and Parole's violation of a state statute that places a maximum on the number of work units allowed per probation and parole agent.
- ♦ **Chapter Four** explains the federal Prison Industry Enhancement Program and discusses whether it should be expanded in the near future in Louisiana.
- ♦ **Chapter Five** discusses issues involved in the privatization of state prison management and whether Louisiana should convert additional state prisons to private management.
- ♦ **Chapter Six** discusses whether the current per diem payment to house state prisoners in local jails should be restructured.
- ♦ **Appendix A** contains the details of the initiation of this study.
- ♦ **Appendix B** contains the Felony Sentencing Guidelines Grid.
- ♦ **Appendix C** lists the state and federal systems that use sentencing guidelines.

- ♦ **Appendix D** contains a survey of southern states' probation and parole agency functions and programs.
- ♦ **Appendix E** contains the Division of Probation and Parole's current Workload Conversion Chart.
- ♦ **Appendix F** contains a listing of all certified Prison Industry Enhancement programs.
- ♦ **Appendix G** compares the costs of state versus private prison management from Fiscal Years 1991-92 through 1993-94.
- ♦ **Appendix H** contains the State of Tennessee Department of Correction's Cost Data Sheet for the reimbursement of "reasonable allowable costs" for housing state inmates.
- ♦ **Appendix I** contains the response of the Department of Public Safety and Corrections to this report.

Chapter Two: Louisiana's Felony Sentencing Guidelines

Chapter Conclusions

To impose criminal sanctions for felony offenses, Louisiana implemented advisory Felony Sentencing Guidelines in 1992.

Since implementation of these guidelines, the state has not monitored their use by the courts or evaluated the extent to which sentencing judges deviate from them. In addition, the effect of these guidelines on the overall criminal justice system has not been tracked.

Background

Felony Sentencing Guidelines were developed by the Louisiana Sentencing Commission in 1992. The Louisiana Sentencing Commission was created by Act 158 of 1987 and is under the jurisdiction of the Louisiana Commission on Law Enforcement and Administration of Criminal Justice within the Office of the Governor. The purpose of the Sentencing Commission is to assist the judiciary by creating advisory sentencing guidelines to be considered when determining sentences in particular cases.

The guidelines are intended to provide rational and consistent criteria for imposing criminal sanctions in a uniform and proportionate manner, thus helping to alleviate sentencing disparity. The purpose of the guidelines is to recommend a uniform sanctioning policy which is consistent, proportional, and fair for use by the Louisiana judiciary in felony cases in which the sentencing court must determine the sentence to be imposed.

There are two factors that determine the sentencing range under the guidelines. They are the type of offense committed and the offender's prior criminal history. The more violent the crime and the more extensive the offender's record, the harsher the

sentence. Conversely, the less violent the offense and the less extensive the offender's record, the more lenient the punishment. The guidelines offer the sentencing judge flexibility in issuing community-based punishment for non-violent offenders, which, in turn, reserves limited prison space for more violent offenders.

The sentencing guidelines are advisory in nature. The sentencing judge is not required to apply the sentences recommended by the guidelines. The judge must, however, state for the record the reasons for the sentence imposed and the factual basis that justifies the sentence.

A copy of the felony sentencing guidelines grid is contained in Appendix B. An example case is presented to show how the sentencing guidelines are supposed to be applied. It should be pointed out that when aggravating or mitigating circumstances are present, it is appropriate for the sentencing judge to depart from the designated sentence range.

Effect of Sentencing Guidelines Is Not Tracked

Since implementation of the sentencing guidelines in 1992, the state has not monitored their use by the courts or evaluated the extent to which sentencing judges deviate from the guidelines. *Without an on-going system in place to monitor the state's sentencing structure and its effect on the criminal justice system, it is virtually impossible to evaluate whether the guidelines are meeting their intended purpose of promoting fairness, proportionality, and uniformity in sentencing.*

If used properly, the sentencing guidelines can also serve as an important planning tool for coordinating policy and resources. *Because of the impact the sentencing guidelines have on the need for prison space, the state should consider available resources when formulating sentencing policies. If the Louisiana Sentencing Commission's actions result in an increase in the prison population, resources must be available to provide for the additional jail space. As such, it is critical for the state to track the effect these guidelines have on the system.*

Governor's Task Force on Sentencing

The Governor's Prison Population, Sentencing Practices, and Alternative Sanctions Task Force was created by executive order of the governor in August 1994. Its purpose is to study Louisiana's sentencing practices in light of the increasing costs of incarceration, the limited amount of available jail space to house offenders, and the need for alternative methods of punishment, other than incarceration, for non-violent offenders. The task force is composed of judges, attorneys, and representatives from law enforcement, corrections, the legislature, and citizens groups. The duties of the task force are to:

- ♦ Review sentencing laws;
- ♦ Examine "truth-in-sentencing" issues;
- ♦ Review existing laws governing good time;
- ♦ Review rules and laws governing release by parole or executive clemency;
- ♦ Review existing state and local prison bed space;
- ♦ Identify appropriate alternative sanctions;
- ♦ Develop short and long-term strategies to address the issues under study by the task force;
- ♦ Propose legislation to implement any needed changes in the laws; and
- ♦ Design a mechanism for continuous monitoring of issues under study by the task force.

Under the provisions of the executive order, the task force is to submit a written report to the governor and the legislature by February 1, 1995. As of January 1995, the task force had only conducted one meeting.

Sentencing Guidelines in Other States

According to a recent *Corrections COMPENDIUM* survey, 19 state and federal criminal justice systems are using sentencing guidelines to help the courts determine penalties for convicted offenders. As shown in Appendix C, Louisiana is one of 18 systems to establish sentencing guidelines. Louisiana's system is somewhat unique, however, in that the guidelines are advisory and parole has not been abolished.

The purpose of the guidelines is varied among the states. The primary reason for the enactment of sentencing guidelines is to provide uniform sentencing policies. Other reasons for implementation of the guidelines are to relieve prison overcrowding, control the need for capacity expansion, reduce the number of non-violent offenders going to prison, and eliminate discretionary parole.

Four of the 19 systems cited in *Corrections COMPENDIUM* have sentencing guidelines that are mandatory. They are New Mexico, New York, North Carolina, and Tennessee. The other 15 systems are allowed to deviate from the sentencing guidelines. Some of these states, however, may only do so conditionally. In other words, the reason for the deviation must be noted. Louisiana falls into this category. Finally, discretionary parole has been eliminated in six systems, including North Carolina.

The effects of the guidelines also varied among the states. Some states, like Florida, Minnesota, and Wisconsin, reported having larger numbers of violent offenders sent to prison and more non-violent offenders placed on probation. Other systems, including New York and the Federal Bureau of Prisons, reported more offenders overall going to prison and fewer placed on probation.

The vast majority of the sentencing guidelines have been established by sentencing commissions, state law, or both. The exception is Michigan, whose guidelines were established by administrative order of Michigan's Supreme Court.

Minnesota's sentencing guidelines were enacted to provide more equal sentencing, eliminate discretionary parole, provide proportionality in sentencing, and coordinate sentencing policies

with correctional resources. Minnesota has avoided the kind of prison overcrowding that other states have had by using the mechanism that coordinates sentencing policy with correctional resources in order to ensure available prison space for violent and repeat offenders. This coordination requires data on crimes and sentencing that can then be used to project the prison and correctional program resources that will be needed to implement new sentencing policies.

Matter for Legislative Consideration

When the Governor's Prison Population, Sentencing Practices, and Alternative Sanctions Task Force issues its final report, the legislature may wish to consider any recommendations that would assist the state in dealing with the rapid growth of its prison population and the increasing costs of incarceration.

Recommendation

The Louisiana Sentencing Commission should develop an on-going tracking system to monitor the state's sentencing guidelines and their overall effect on the state's criminal justice system. Any monitoring effort should attempt to answer the following questions:

- ♦ What effects have the sentencing guidelines had on the length and uniformity of sentences for all types of crimes?

- ♦ Have the guidelines provided sentencing judges with enough flexibility to impose the most appropriate sentence in each case?
- ♦ What effects have the guidelines had on the numbers of non-violent offenders being incarcerated?
- ♦ What effects have the guidelines had on the numbers of violent offenders being granted early release?
- ♦ What percentages of offenders are serving their full sentences after being sentenced under the guidelines?
- ♦ What problems have judges, prosecutors, and the Department of Public Safety and Corrections experienced since implementation of the guidelines?

Chapter Three: Division of Probation and Parole

Chapter Conclusions

For fiscal year 1994-95, the Division of Probation and Parole is projected to assign caseloads to agents that exceed the statutory limit by 70 percent. The Division also administers more programs and has the third highest number of offenders per agent of the southern states. Furthermore, legislative changes to registration and reporting requirements for sex offenders have increased the agents' workloads over the last three years. Increased workloads and uncompetitive salaries have contributed to the Division's difficulty in attracting and retaining agents.

Overview of Division of Probation and Parole

The Division of Probation and Parole is located within the Louisiana Department of Public Safety and Corrections, Corrections Services, and is that department's largest community-based program. The Division of Probation and Parole protects public safety by investigating and supervising adjudicated adult offenders who are released on probation or parole. It also provides community-based programs designed to facilitate offenders' adjustment and reintegration into society.

The Division of Probation and Parole operates 20 district offices throughout the state, with its Headquarters Office in Baton Rouge. The American Correctional Association (ACA), a national, non-profit organization that has developed standards for prisons and correctional operations, has accredited the Division. The Division administers the following program areas:

- ◆ Probation: Supervision/Investigations
- ◆ Parole: Supervision/Investigations
- ◆ IMPACT Program: A two-part program consisting of intensive incarceration followed by intensive parole supervision (the most restrictive level of supervision)
- ◆ Community-based programs: Halfway houses, work release programs, and contract compliance and administration

- ♦ Intermediate sanctions, including electronic monitoring and house arrest
- ♦ American Correctional Association Accreditation and Sustainment
- ♦ Medical furloughs: Terminally ill inmates who are placed in homes or hospitals receive maximum supervision.
- ♦ Interstate compact services: The Division accepts offenders from other states for supervision.
- ♦ Pardons: Investigations/Automatic Pardons
- ♦ Staff training and development
- ♦ Collections: Supervision and other fees

The Division receives self-generated funds and state General Fund monies. Exhibit 3-1 shows the funding history of the Division for the last five fiscal years.

Exhibit 3-1				
Funding for the Division of Probation and Parole				
Fiscal Years 1991 through 1995				
Fiscal Year Ending	Self-Generated Revenue	Percent of Total Funding	State General Fund Revenue	Total Funding
1995	\$5,100,040	20 %	\$20,247,569	\$25,347,609
1994	5,100,040	22 %	18,173,665	23,273,705
1993	3,300,040	14 %	19,751,187	23,051,227
1992	3,283,810	15 %	18,502,511	21,786,321
1991	3,047,861	16 %	15,471,251	18,519,112

Note: Fiscal Year 1995 figures are budgeted amounts as of November 30, 1994.
Source: Prepared by Legislative Auditor's staff using information supplied by the Department of Public Safety and Corrections, Office of Management and Finance.

The Division also collects fees for a number of other programs, such as Victim's Restitution, Court Funds, Indigent Defender Fund, Transportation Fund, Fines, Confiscated Funds and District Attorneys' fees. These other fees are forwarded

to the appropriate program and are not a part of the Division's funding.

In addition to their supervisory duties, probation and parole agents conduct investigations, perform in-house or field drug tests, make arrests, complete *Sentencing Guideline Reports* (as of 1992), and collect supervision fees. The working conditions are sometimes dangerous, since supervisory contacts routinely take place at the offender's home, often in high crime areas. The agents are armed and wear bullet-proof vests. They are required to complete a seven-week Peace Officer Standard Training (POST) program, which includes weapons training.

**Division Is
Responsible for
More
Programs than
Other Southern
States**

Louisiana's Division of Probation and Parole is responsible for more program areas than the probation and parole agencies in 12 other southern states. The Division of Probation and Parole recently conducted a survey of these state programs. Appendix D shows the survey results. The Division's responsibilities have constantly expanded, while the number of agents on staff remain relatively the same.

Of the states surveyed, none is responsible for sex offender notification requirements. Also, only Florida and Oklahoma have ACA accredited probation and parole programs. Georgia and Texas have accredited parole programs only.

**Caseload
Levels Exceed
Statutory
Limits**

The average caseload per agent far exceeds limits set by state law, and the number of agents has decreased while the number of offenders needing supervision has increased. According to LSA-R.S. 15:571.20(B),

. . . the department shall not assign more than fifty work units to any probation and parole specialist unless otherwise specifically authorized in writing by the secretary of the department based upon regulations adopted by the director of probation and parole. (Emphasis added)

A work unit is defined by the Department of Public Safety and Corrections as 2.4 man-hours of work, which department officials say amounts to approximately 70 people per agent (allowing for vacation, sick, and other leave). Each task is assigned a standard time in which to complete that task at a certain performance level, represented in man-hours. The man-hours are then converted to work units by dividing the man-hour value by 2.4.

The Division employs probation and parole specialists as well as probation and parole agents. The specialist classification tends to handle cases needing more intensive supervision. While the statute specifies "specialist," the Division interprets this to also include agents. The director of probation and parole said that there is no written authorization from the secretary of the department to exceed this statutory limit.

Exhibit 3-2 on the following page shows the Division's caseload per agent from fiscal year 1991 through fiscal year 1994 and projected caseloads for fiscal year 1995. This exhibit also shows that the Division projects 85 work units per agent for fiscal year 1995, which is 70 percent above the statutory limit. Furthermore, the number of offenders under supervision has increased at an annual rate of about eight percent since fiscal year 1992, but the number of agents has fallen slightly. Even with a significant increase in the number of agents from fiscal year 1991 to fiscal year 1992, both the number of cases per agent and the work units per agent have continued to climb at about nine percent per year since fiscal year 1992.

The Division estimates that to lower the work units per agent to the statutory limit of 50 it would need an additional 295 agents. To lower the work units to 60 (20 percent above the statutory limit), the Division estimates that it would need an additional 175 agents. At 60 work units per agent, the Division estimates 24 hours per month of overtime would be required per agent.

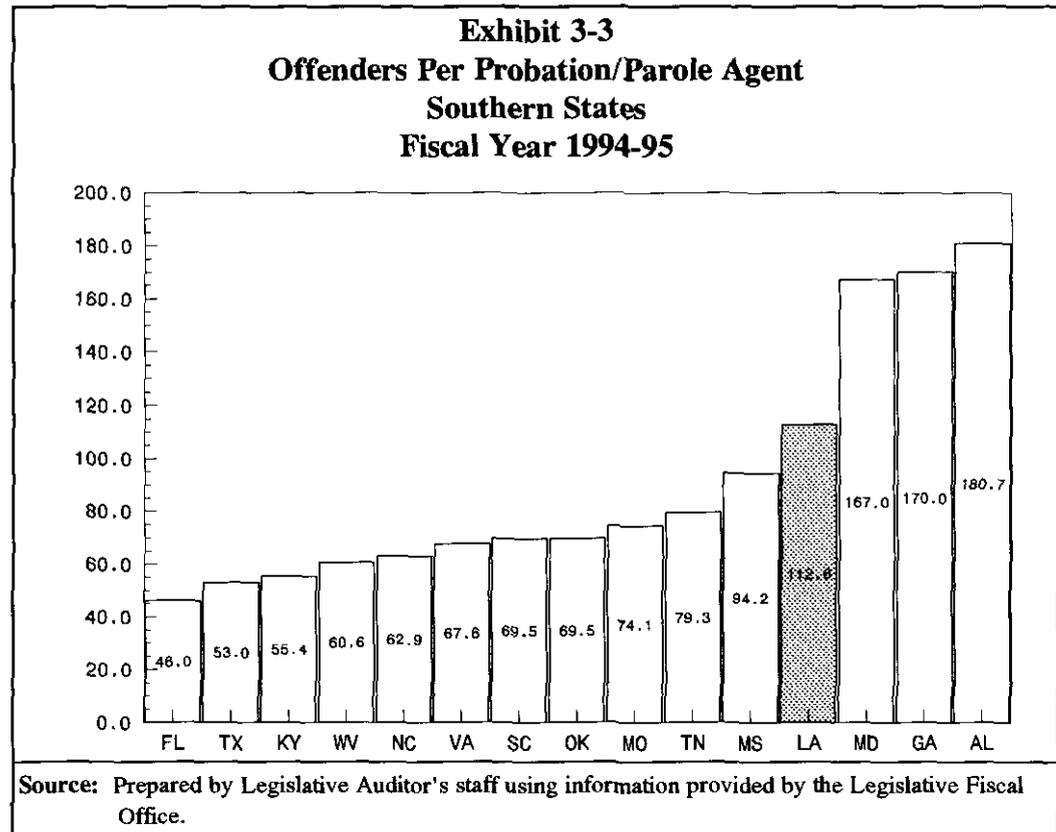
With the rising numbers of offenders under probation and parole supervision, it is likely that the Division will remain out of compliance unless steps are taken to either adjust the current duties of the agents or add additional agents to the staff.

Exhibit 3-2				
Probation and Parole Agent Caseload				
Fiscal Years 1991 through 1995				
Fiscal Year Ending	Number of Agents	Total Number of Cases Under Supervision	Average Number of Cases Per Agent (Head Count)	Average Work Units Per Agent
1995	427	50,776	119	85
1994	427	45,956	107	76
1993	428	40,667	95	70
1992	429	39,978	93	65
1991	347	38,655	111	55
Note: Fiscal year 1995 figures are projected.				
Source: Prepared by Legislative Auditor's staff with information supplied by the Department of Public Safety and Corrections, Division of Probation and Parole.				

**Louisiana Has
Third Highest
Number of
Offenders Per
Agent of
Southern States**

Exhibit 3-3 on the next page shows the current number of offenders per probation and parole agent and compares Louisiana to 14 other southern states. Of the 15 states shown, Louisiana ranks fourth with about 113 offenders per agent. Alabama, Georgia, and Maryland have a greater number of offenders per agent.

We recognize that it is more accurate to determine caseload size in terms of man-hours required rather than the number of cases (i.e., headcount). The reason for this is that it is impossible to differentiate between offenders with different service needs when only considering numbers instead of hours of work required. Furthermore, all offenders do not require the same number of man-hours of work, because they all have different needs. However, we could not do our analysis based on man-hours because information was not available in that format.



Offenders May Not Be Adequately Supervised

According to the Division's program description within its budget document, Louisiana's contact rate is approximately one-half that of most other states in the southern region. The Division of Probation and Parole defines its minimum standards for supervision in terms of the number of face-to-face contacts required for a specified time; for example, one month. If the Division is understaffed and the offenders are not receiving an adequate number of contacts, the offenders may pose a greater threat to public safety because of inadequate supervision.

A study conducted for the National Institute of Justice in 1984 showed the results of evaluations conducted on classification systems for adult probationers in New York State and parolees in Wisconsin. In both states, the focus was on whether high-risk offenders who were given more frequent contacts (intensive supervision) returned to prison less often than high-risk offenders who were given fewer contacts (regular supervision).

In both states, more frequent contacts resulted in lower recidivism among high-risk offenders.

This study also stated that most evaluations of probation and parole supervision indicate that simply increasing officer/client contacts does not automatically produce better client outcomes. However, structured, systematic approaches that increase contacts and increase the quality of supervision for selected offenders have reported positive results. The Division uses a risk/need evaluation instrument to determine which types of offenders should receive more or less supervision. This instrument measures an offender's risk to the community of committing a new crime and the offender's need for services, such as alcohol or substance abuse treatment.

New Time Study Is Needed to Evaluate Resource Needs

Several significant events have occurred that have changed the offender population and agent responsibility in the last three years. In May 1990, the Probation and Parole Division contracted with the National Council on Crime and Delinquency, a non-profit organization that researches crime, delinquency, and recidivism, to assist with the design and implementation of a time study. The purpose of this study was to determine the resource needs of the department. The study primarily focused on the amount of time needed to meet workload standards for each supervision level, investigation type, case processing, violation reports, and administrative responsibilities. The study covered agent activities during the two month period of August and September 1991.

The time study was beneficial to the Division in planning for personnel resources. The study found that, in addition to well-documented time standards for each agency function, accurate projections of future offender populations and requests for investigations are needed to produce workload-based budgets. If an administrator knows how much time it takes to perform a particular function and how many requests for that function are expected in the next budget cycle, staffing requests can also be based on the projected workload. As a result of the time study, the Division of Probation and Parole adopted the workload values shown in Appendix E.

The time study was a means to determine resources needed by the Division. However, the Division has been delegated a number of additional responsibilities and has undergone a significant change in the offender population since the study was performed.

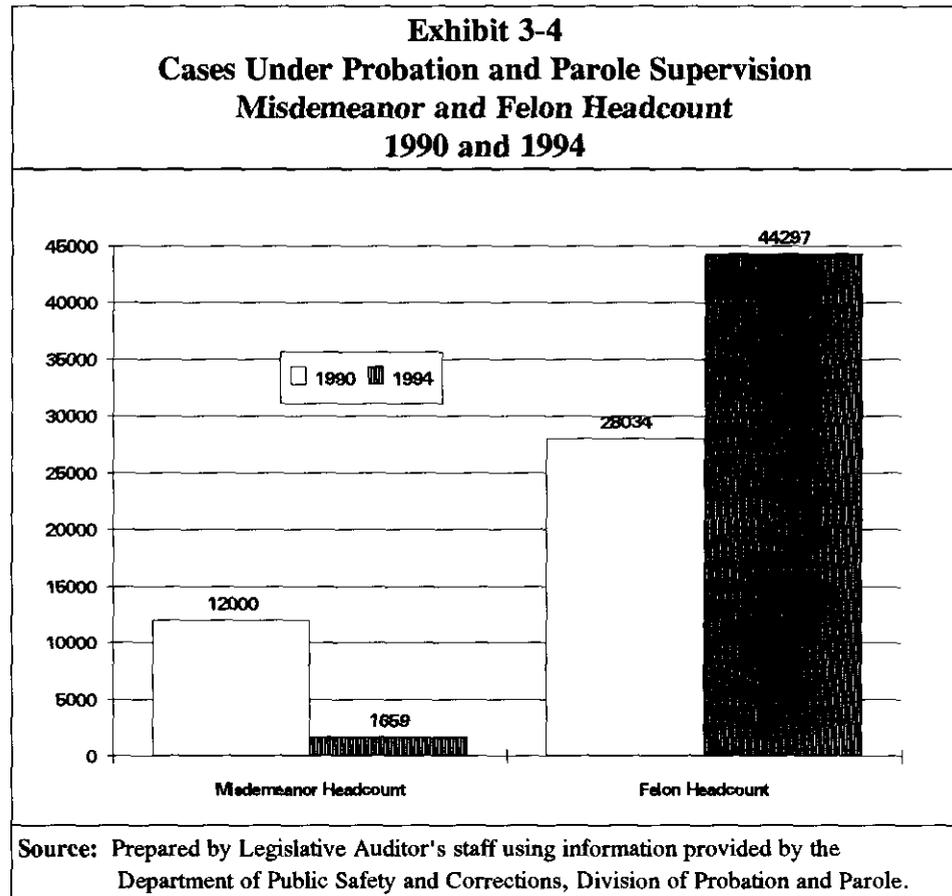
Following the study, the Division added about 80 agents during fiscal year 1992, a 23 percent increase. However, the offender population has increased overall by 27 percent from fiscal year 1992 to fiscal year 1995. The additional responsibilities and changes have added more man-hours to the Division's current workload.

In 1992, Acts 388 and 962 further added to the Division's workload. Act 388 requires sex offenders to register with the sheriff in the parish where he/she resides. Act 962 requires sex offenders to give notice of their crime and their address as a condition of probation. These acts affect the registration and reporting requirements for certain sex offenders who are released to the jurisdiction of the Probation and Parole Division.

Furthermore, agents are now administering drug tests, both in the field and in the office. Also, the Division has assumed all responsibility for community rehabilitation centers (halfway houses and work release programs). The most significant change since the time study was the change in offender population.

Significant Increase in Proportion of Felons

The number of felons has become a larger proportion of the Division's population to be supervised. In 1990, Article 894 of the Code of Criminal Procedure was amended to eliminate supervised probation unless a suspended sentence in excess of six months is imposed. This provision had the effect of effectively eliminating the vast majority of misdemeanor probation cases and increasing the proportion of felons under supervision from 70 percent of the population in 1990 to 96 percent of the population in July 1994. This information is shown in Exhibit 3-4 on the following page.



The Division uses a classification system that places offenders in six categories of supervision. These categories are as follows:

1. Intensive
2. Maximum
3. Medium
4. Minimum
5. Warrant/Absconder
6. Administrative

Felon cases are more complex and are more likely to be classified as intensive or maximum supervision cases under the Division's risk/need evaluation instrument. These cases require more man-hours of supervision. As of June 30, 1994, approximately 55 percent of offenders under supervision were classified as maximum supervision cases.

**Louisiana's
Entry Level
Salaries Are
Not Competitive**

Agency officials say that they have difficulty attracting and retaining probation and parole agents because the salaries are not competitive with other states or federal agencies. A total of 89 agents have resigned over the past three fiscal years. The highest percentage of turnover among agents during any one of these three years is eight percent.

According to a comparison of 1993 entry level salaries for probation and parole agents reported by *The Corrections Yearbook* (a publication by the Criminal Justice Institute), Louisiana's salaries are seven percent below the average of 16 southern states. Exhibit 3-5 below shows the average entry level

Exhibit 3-5 Average Entry Level Salaries for Probation and Parole Agents January 1, 1993		
State	Entry Level Average Salary	Category: 1-Probation & Parole 2-Parole Only 3-Probation Only
Virginia	\$29,369	1
Texas	\$22,032	2
North Carolina	\$21,963	3
Georgia	\$21,336	3
Alabama	\$20,615	1
Oklahoma	\$20,325	1
South Carolina	\$19,375	1
Missouri	\$18,888	1
Florida	\$18,109	1
Louisiana	\$18,048	1
Maryland	\$17,952	1
Tennessee	\$17,328	3
Mississippi	\$16,906	1
West Virginia	\$16,896	3
Kentucky	\$16,608	3
Arkansas	\$15,000	3
Average Salary	\$19,422	
Source: Prepared by Legislative Auditor's staff using <i>The Corrections Yearbook</i> , Probation and Parole 1993.		

salaries reported by Louisiana and the other 15 states. Louisiana ranks tenth among the 16 states shown. Please note that this comparison may not be a completely fair comparison because six of these states have only a probation function and one state has only the parole function. We were not able to determine if the duties were comparable to Louisiana's combined probation and parole functions.

Matters for Legislative Consideration

1. The legislature may wish to request a performance audit of the Division of Probation and Parole. Such an audit would assess the efficiency and effectiveness of the Division's policies, procedures, goals, and objectives for the supervision of probationers and parolees. Without a more comprehensive analysis of the actual duties performed by the probation and parole agents, *it is impossible at this point to determine* whether the Division is actually understaffed or is not making efficient use of the staff it presently has available.
2. A second time study should be performed to determine the current staffing needs of the Division, in light of the Division's added responsibilities and the change in the offender population since the previous study was performed.
3. After completion of the study and/or performance audit, if it is determined that the Division is in need of additional staff, the legislature may want to allocate resources to meet those needs.

Chapter Four: The Federal Prison Industry Enhancement Program

Chapter Conclusion

Despite receiving certification in January 1994 to participate in the Federal Prison Industry Enhancement Program, only one program is currently operating in Louisiana.

Background

Congress originally authorized the Prison Industry Enhancement (PIE) Program through the Justice System Improvement Act of 1979. The program was further amended by the Justice Assistance Act of 1984 and the Crime Control Act of 1990. The PIE program is administered by the United States Department of Justice through the Bureau of Justice Assistance. At the state level, the PIE program is under the jurisdiction of the Division of Prison Enterprises within the Department of Public Safety and Corrections. Prison Enterprises is responsible for managing industrial and agricultural programs at 13 institutions throughout the state.

The purpose of the PIE program is twofold. First, it attempts to generate goods and services that produce income so that offenders can make a contribution to society, their own costs, victims of crime, and family support. Second, it attempts to provide meaningful work for offenders, thereby reducing prison idleness, increasing job skills, and providing opportunity for rehabilitation.

PIE provides limited deregulation of federal prohibitions affecting the movement of state prisoner-made goods in interstate commerce and the contracting in excess of \$10,000 with the federal government. More specifically, agencies certified under the PIE program are exempt from the Walsh-Healy Act of 1936 and the Sumners-Ashurst Act of 1948. Sumners-Ashurst prohibits state prison industries from selling any prisoner-made goods in interstate commerce. Walsh-Healy prohibits state prison industries from fulfilling any federal contract for over \$10,000.

To become certified, a prison industry program must do the following:

- ♦ Pay offenders the prevailing wage in the free market or minimum wage, whichever is higher;
- ♦ Provide a financial contribution to victim's compensation or victim's assistance programs;
- ♦ Consult with organized labor and local businesses that might be affected by the industry before start-up;
- ♦ Provide assurance that inmate labor will not displace workers in the free society;
- ♦ Provide for worker's compensation;
- ♦ Provide assurance that offender participation in the program is voluntary and that the workers agree to specific deductions from wages; and
- ♦ Involve the private sector.

Implementation of the PIE Program in Louisiana

The Bureau of Justice Assistance certified the Louisiana Department of Public Safety and Corrections for the PIE program on January 12, 1994. The two most commonly used PIE program structures are the employer model and the customer model. With the employer model, the private sector actually owns and operates the business. As such, it employs inmates to produce goods and services and has control of the hiring, firing, and overall supervision of the work force. With the customer model, however, the private sector agrees to purchase a *significant portion of the goods or services produced by the industry*. Louisiana is certified to use the employer model.

Prison Enterprises currently has one PIE program initiative in effect. Prison Enterprises entered into a contract on September 16, 1994, with Company Apparel Safety Items, Incorporated (CASI) to manufacture disposable or "single use" protective garments. This private sector corporation employs inmates in all phases of the manufacturing process. Garments are manufactured in an existing Prison Enterprises' garment factory located at Winn Correctional Center in Winnfield, Louisiana.

Under the contract, the Department of Public Safety and Corrections provides the building and CASI is responsible for the maintenance of all equipment and tools used in the work process. The Department of Public Safety and Corrections is responsible for providing security for CASI and its employees as well as conducting an orientation session regarding security procedures. CASI is also required to provide worker's compensation benefits to inmate workers for injuries sustained in the course of their work.

Work began at the Winnfield operation on October 3, 1994. On December 1, 1994, there were 36 inmates participating in the program. As of December 1994, all of the program participants were inmates at Winn Correctional Center.

To obtain program participants, inmates are screened by the warden of the correctional facility to determine which ones would benefit from the program and to identify inmates who have good work and behavior records. A list is then provided to the private sector company, who is responsible for conducting interviews and hiring staff. Under federal program guidelines, participation in the program is strictly voluntary.

Inmates working in the PIE program are paid \$4.25 an hour. Certification guidelines require that Louisiana have written policies and procedures for obtaining assurance from the Department of Labor that inmate worker compensation plans, including wages, bonuses, and piecework rates, are comparable to wages paid for work of a similar nature in the locality where the work is to be performed. Inmates are required to earn at least the federal minimum wage.

Inmates also pay state and federal taxes. However, they are not allowed to file their own state and federal tax returns. A designated person at the correctional facility is responsible for this activity.

Under program guidelines, deductions for the cost of corrections, income taxes (including Social Security), victim's compensation, and family support are the only allowable deductions from gross wages. Deductions for victims' compensation is mandatory and must be at least five percent, but no more than 20 percent, of the offender's gross wages. Louisiana's breakdown of inmate wages is shown in Exhibit 4-1. This exhibit is based on the amount an inmate would earn in one month at the current rate of \$4.25 per hour. Twenty-four percent

of the gross wages are deposited into a savings account that is not accessible until the prisoner is released from prison.

Exhibit 4-1	
Breakdown of Inmate Wages	
160 Hours at \$4.25 Hour (One Month Period)	
Gross Wages	\$680.00
Federal Withholdings	70.00 (10.29%)
State Withholdings	6.10 (.90%)
Medicare Withholdings	9.86 (1.45%)
Social Security Withholdings	(6.20%)
Net Pay	\$551.88
Room & Board (Goes Directly to State General Fund)	165.56 (24.35%)
Crime Victims Reparation Fund	55.19 (8.12%)
Savings	165.57 (24.35%)
Usable	165.56 (24.35%)
Source: Prepared by Legislative Auditor's staff with Payroll Report information provided by Prison Enterprises.	

Competition With the Private Sector

To comply with PIE certification requirements, Prison Enterprises must obtain assurance from the Louisiana Department of Labor that paid inmate employment will not result in any of the following:

- ◆ Displacement of employed workers;
- ◆ Use of skills, crafts, or trades in which there is a surplus of available labor in the locality; or
- ◆ Impairment of existing contracts for services.

Before a PIE program can be implemented, Prison Enterprises is required to consult with representatives of local labor unions and representatives of local businesses that could potentially be affected by the production of inmate goods and solicit comments, concerns, and recommendations. Prison Enterprises must notify these representatives of the following:

- ♦ The type of industry proposed and the work inmates will be hired to perform;
- ♦ The number of inmates that will be employed and the average number of hours expected to be worked per day;
- ♦ The location of the proposed industry, facilities that will be used, and any other details concerning the lease of space and utilities; and
- ♦ The rate of pay that private employees receive for doing the same work that the inmates will be doing.

In 1994, Prison Enterprises proposed a PIE program initiative located at a mattress plant at Angola. A Baton Rouge mattress manufacturer planned to hire two to four inmates several days a week to assemble component parts of mattresses. The program did not get underway because there was opposition from private sector business representatives who felt that it would unfairly compete with the private sector.

PIE Programs in Other States

As of March 31, 1994, 34 states, including Louisiana, were certified to participate in the PIE program. Appendix F outlines PIE program achievements for all states that were certified as of that date. At that time, Louisiana did not have any active projects.

According to data from the first quarter that Louisiana's program was in operation, an average of 27 inmates participated in the project and generated \$43,694 in gross wages. Of that amount, \$11,170 went to the state general fund to pay for the inmates' room and board. In addition, the inmates paid \$6,411 in state and federal taxes.

According to information obtained from officials at Prison Enterprises, there are no immediate plans to expand the PIE program in Louisiana. This decision is primarily based on the newness of the current project. Because that project has only been in operation since October 1994, sufficient data are not yet available to evaluate the overall effects of the program.

Recommendation

Prison Enterprises should approach with caution further efforts to expand the PIE program. The one PIE program that is currently operating in Louisiana should be extensively evaluated to determine its overall effect. If tangible benefits can be derived for the state through participation in the PIE program, the Division should consider further expansion.

Chapter Five: Private Management of Prisons

Chapter Conclusions

There are limited data available to compare the operating costs of state versus privately managed prisons. There has also been no comprehensive evaluation of the differences in service delivery. In addition, there are several other critical issues that the state should address before deciding to privatize the operation of more prisons.

Background

Governmental agencies are turning to privatization of prison construction and operation in increasing numbers. States are burdened with increasing demands for prison space and dwindling resources with which to meet those needs. There is also a general perception that the private sector is more efficient than governmental agencies.

Privatization allows the state to contract with private sector organizations to either construct and/or operate state correctional facilities. In considering whether to privatize facilities, there are a number of issues to consider, some of which are as follows:

- ♦ Cost
- ♦ Security
- ♦ Potential liability of the state
- ♦ Inmate education
- ♦ Quality of services

Louisiana's Privately Managed Facilities. Louisiana currently has 12 adult correctional facilities, two of which are operated by private corporations. Winn Correctional Center (Winn) is a medium security prison located in Winn Parish. It is a state-owned prison operated by the Corrections Corporation of America (CCA). The prison opened in March 1990 and was expanded in 1992. The current inmate capacity is 1,282.

This facility has always been privately managed. The management services contract was originally for three years, ending in March 1993. However, the Department of Corrections has continued to reimburse CCA since that time.

Under the management services contract between CCA and the state, the prison was required to obtain ACA accreditation within two years of the date that inmates were brought into the facility. Accreditation status is a credential that identifies the state correctional system as stable, safe, and constitutional. The secretary of the Department of Corrections stated that accreditation in Louisiana was achieved faster than any other system in the nation and that accreditation has been the single most powerful agent for positive change in the past 15 years. Winn obtained accreditation in June 1991.

The second prison under private management is Allen Correctional Center (Allen), a medium security facility located in Kinder. This facility has been operated by the Wackenhut Corporation since it opened in 1990. Like the CCA contract, the Wackenhut contract was originally for three years, ending in December 1993. However, the Department of Corrections has continued to reimburse Wackenhut since that time.

The Allen facility was expanded in 1992 to the current inmate capacity of 1,282. According to the contract with Wackenhut, Allen was required to be ACA accredited within 27 months of the first day that inmates arrived at the facility. The facility has been accredited since January 1993. Winn and Allen were built and are owned by the state of Louisiana.

Cost comparisons that have been made with the privately-managed facilities have used Avoyelles Correctional Center (Avoyelles), a state-owned and managed prison in Avoyelles Parish. The reason this particular prison was used for comparison is because Avoyelles is identical in design to the private prisons and has the same capacity--1,282 inmates. However, there is a difference between inmate populations. Avoyelles has the capacity to house 144 minimum, 1,036 medium, and 102 maximum custody inmates. The two privately-managed facilities do not house maximum custody inmates.

Cost savings is one of the primary reasons that governments are contracting out prison management. Private companies claim that they can offer savings by designing and

building more efficient facilities at a faster rate than state governments can. According to the *Corrections COMPENDIUM*, CCA can usually bring a major facility on-line one year from the project's inception, whereas going through a state agency's planning, funding, and construction process could take three to four years.

Claims of Cost Savings Lure States to Private Contractors

Proponents of privatization claim that costs can be lowered as a result of competition between companies to maximize services while minimizing costs. Private companies are also not restricted to purchasing practices that may limit a state from getting the lowest cost for supplies.

There are differing costs associated with public versus private prison management, which makes it difficult to establish a comparable base for comparing costs. For example, the Unfunded Accrued Liability (UAL) would be included in the state's budget because state employees are generally required to participate in the state's retirement system. In comparison, CCA contributes one per cent of each employee's salary into a tax deferred stock retirement account and matches, on a dollar-per-dollar basis, employee contributions up to the first four percent of salary going into the account.

Furthermore, total facility costs do not show initial start-up costs or expansion costs paid to the contractor. Also, the state incurs the cost of contract monitoring for both facilities, which adds to the total cost, but is not included in the contractors' budgets.

When the two privately-managed facilities were expanded, they were expanded at different times, and inmates were incrementally placed in the facilities. Comparisons of total costs will vary, depending on the number of inmates in each facility at a given time. As a result, the per diem rates will vary, since they are based on the number of inmates at the facility. The larger the number of inmates housed in the facility, the lower the per diem rate. Appendix G provides more detailed cost comparisons for fiscal years 1991-92 through 1993-94.

A cost comparison of Winn, Avoyelles, and Allen is shown in Exhibit 5-1 on the following page. The exhibit shows that the privately-managed facilities have generally cost the state

less to operate. However, in fiscal year 1993-94, Avoyelles was cheaper than one of the privately-managed prisons. The appropriated funds for the current fiscal year show a \$0.51 difference per inmate per day between Avoyelles and Winn and a \$1.22 difference per inmate per day between Avoyelles and Allen. This projects to a total annual cost savings of \$238,644 and \$570,875 for Winn and Allen, respectively, based on maximum capacity for each day of the year.

Exhibit 5-1 Cost Per Inmate Per Day State Versus Privately-Managed Prisons				
FACILITY	Fiscal Year 1991-92	Fiscal Year 1992-93	Fiscal Year 1993-94	Fiscal Year 1994-95 (Appropriated)
Avoyelles Correctional Center*	\$26.70	\$24.02	\$23.19	\$24.71
Winn Correctional Center**	\$24.87	\$22.94	\$23.27	\$24.20
Allen Correctional Center**	\$25.00	\$23.02	\$22.89	\$23.49
<p>* This is a state-operated prison. ** This is a privately-operated prison. Source: Prepared by Legislative Auditor's staff using data provided by the Louisiana Department of Public Safety and Corrections.</p>				

**Louisiana's
Cost Savings
Are Below
Those
Reported by
Other States**

According to a recent California report titled *Curbing the Cost of Incarceration in California* (April 1994), average savings from privatization are between 15 and 35 percent. Texas, which has been operating private prisons since 1989, says that it has seen a consistent cost savings of at least 10 percent.

In Exhibit 5-2, we show the cost savings achieved by Winn and Allen as a percentage of the total cost of operating Avoyelles. Based on the experience of California and Texas, cost savings achieved by Louisiana's two private facilities may not be substantial enough to justify the privatization of additional prisons.

Exhibit 5-2 Percent Difference Between State and Private Prisons - Total Costs			
	Fiscal Year 1991-92	Fiscal Year 1992-93	Fiscal Year 1993-94
Avoyelles versus Winn	7.36%	4.71%	-0.34%
Avoyelles versus Allen	6.80%	4.34%	1.31%

Source: Prepared by Legislative Auditor's staff using information provided by the Department of Public Safety and Corrections.

As can be seen in Exhibit 5-2, the cost of operating Louisiana's two privately-operated facilities were around 7 percent less than the cost of Avoyelles in the initial year of operation. Savings, as a percent of the cost of Avoyelles, decreased in the next two years. These savings rates are below those experienced by California and Texas.

To date, there has been no comprehensive evaluation completed that measures the quality of services provided by the private contractors compared with those provided by the state. According to the secretary of the Department of Corrections, the Office of Correctional Studies at Louisiana State University has begun a study, but it is not completed. This study is to compare both cost and quality of services of the privately-managed prisons with the Avoyelles prison. The study is expected to be completed by the summer of 1995.

Private Management May Jeopardize Public Safety

Contracting prison management out to private entities may jeopardize public and inmate safety. The primary concerns are inadequate staff levels and inadequate training of private sector prison management firms. A recent lapse in security and resulting violence in one of the state's privately-managed juvenile boot camps in Tallulah, Louisiana, exemplifies these concerns.

The facility in Tallulah is called the Tallulah Correctional Center for Youth (Young). The facility opened in November 1994. Young is a 650-bed facility that includes a boot camp/shock incarceration program for juvenile offenders committed to the state's custody. After completion of the

program, juvenile offenders can return to their communities under intensive supervision. Young was operated by GRW Corporation, a company under subcontract with Trans-America Development Corporation.

A month after the center opened, a federal judge placed the facility under a state of emergency. There were a number of problems cited, including an inadequate number of guards. Four guards who tested positive for drug use were not fired because there was no one to replace them. Fighting also occurred among the juveniles.

The secretary of the Department of Public Safety and Corrections attributed the problems to "ineffective management by GRW Corporation" and a lack of training. The state had to intervene to control the situation at Tallulah. Corrections officials we interviewed said that security must be a consideration when the state debates whether or not to contract out the management of state prisons.

Liability Issue Is Questionable

Another issue of concern is that of liability. Although Louisiana can contract for the management of its correctional facilities, the state may still be liable for inmate lawsuits or for situations such as the one that occurred at Young. Private contractors are contractually required to indemnify and hold the state harmless against any claims against the contractor and its employees. However, if challenged in court, the state may still be held liable.

Contract Monitoring Is Crucial

Once the state contracts with a firm to operate prisons, it must monitor contract performance. According to the management services contracts with Wackenhut and CCA, the state can place an on-site Contract Monitor in the facilities. The contract monitors are to be provided office space by the contractor and are allowed access to all records that relate to the operation of the facilities. There are currently no contract monitors on-site at either of the privately-managed facilities. The secretary of the Department of Corrections removed the monitors

that had been placed in the facilities by the previous administration. He replaced them with financial and operational staff from within the department.

Close monitoring of private facilities is crucial, especially with two relatively new programs such as the ones in Louisiana. Security lapses, such as the one at Tallulah, could be disastrous if the state cannot respond immediately because of a lack of knowledge. Contract monitoring expenses should be considered in any cost comparisons done.

Inmates No Longer Allowed Pell Grants

In Phase One, SECURE found that the private prisons have more opportunities for adult basic education and vocational education than Avoyelles does. In 1993, 243 offenders at Allen and 175 at Winn received Pell Grants of \$2,300 each. However, according to the Violent Crime Control and Law Enforcement Act of 1994 (a federal crime law), "no basic grant shall be awarded . . . to any individual who is incarcerated in any Federal or State penal institution."

Revocation of Pell Grant usage by state and federal prisons may impact the educational programs provided by the privately run institutions. Although vocational and educational programs are required by the management services contract between the contractors and the state, the programs are not governed in accordance with ACA standards, as are some of the other services, such as food, recreation, and security.

As a result, private companies may have to fund more programs out of their own budgets. Alternatively, they may cut back on educational services.

Philosophical and Ethical Concerns

Opponents of privatization say that contracting for the management of prisons represents an improper delegation of state authority to private companies. There is also concern that corrections services being run with profit as the motive will ultimately result in a reduction in services to an unacceptable level. In an article in *Governing* magazine featuring Louisiana's

private prisons, Richard Stalder, Secretary of the Department of Public Safety and Corrections, stated, "You can't sacrifice basic services or the basic well-being of your inmate population for money."

Recommendation

Louisiana should not convert additional prisons to private management until a comprehensive evaluation is performed. The evaluation should compare the costs of private versus state management. It should also examine how the quality and effectiveness of services provided by the private contractors compare to those provided by the state.

Chapter Six: Local Housing of State Inmates

Chapter Conclusions

Louisiana currently pays local sheriffs a per diem rate of \$21 to house state prisoners. This rate is not based on the actual costs of housing prisoners in local jails. Instead, it is based on an average of per diems in other southern states.

Background

In July 1994, Louisiana housed the highest *percentage* of state prisoners in local jails of all other southern states. At that time, Louisiana housed approximately 32 percent of its state prison population locally. The next highest percentage was 26 percent. Both Texas and Tennessee housed 26 percent of their state prison populations in local jails. The percentage for all other southern states was significantly lower.

During this same time, Louisiana ranked second among southern states in the *number* of state inmates housed in local jails. Louisiana housed 7,539 of its 23,780 state prisoners in local jails. Texas was the only state with a larger number of state inmates housed locally. Texas housed 28,989 of its 110,460 state prisoners locally. This information is according to the U.S. Bureau of Census.

By December 1994, the number of state prisoners housed in local jails in Louisiana had increased to 8,240. Housing prisoners in local jails came about largely as a result of overcrowding in the state prisons.

In accordance with LSA-R.S.15:824, local jails receive \$21 per day, per inmate, to house state prisoners. According to the legislative fiscal officer, the per diem rate was originally based on an average of per diem rates paid by other southern states. The Louisiana Sheriffs' Association conducts an annual survey of the per diem rates in the southern states. The results of their January 1995 survey are shown in Exhibit 6-1. The survey shows that the current average of the southern states is \$22.10 per inmate per day.

Exhibit 6-1 Survey of Southern States Average Cost Per Day for Housing State Inmates in Local Jails January 1995		
STATE	PAYMENT PER DAY	PAYMENT PER YEAR
ALABAMA	\$3.00(a)	\$1,095.00
ARKANSAS	25.00	9,125.00
FLORIDA	0.00(b)	0.00
GEORGIA	15.00	5,475.00
KENTUCKY	23.75(c)	8,669.00
LOUISIANA	21.00	7,665.00
MARYLAND	45.94(d)	16,768.00
MISSISSIPPI	20.00	7,300.00
NORTH CAROLINA	14.50(e)	5,293.00
OKLAHOMA	7.00	2,555.00
SOUTH CAROLINA	0.00(i)	0.00
TENNESSEE	33.66(f)	12,286.00
TEXAS	25.00(g)	9,125.00
VIRGINIA	28.53(h)	10,413.00
WEST VIRGINIA	25.00	9,125.00
TOTAL	\$287.38	\$104,893.00
AVERAGE	\$22.10	\$8,069.00
Notes:		
(a) \$1.75 per capita, food plus \$1.25 per capita for other needs.		
(b) The Florida Department of Corrections contracts on a limited basis. There are currently 92 state inmates housed in two county jails. Contract rate is \$35.00 per day per inmate.		
(c) \$22.00 plus \$1.75 general medical and dental expenses, not extraordinary expenses.		
(d) Rates range between \$20.15 to \$82.84.		
(e) North Carolina contracts to house 961 of its 23,620 state inmates with Rhode Island, Oklahoma, and Tennessee—those states are paid respectively \$72.94(average), \$52.63 and \$58.00 per day per inmate.		
(f) \$33.66 is an average rate based on a low of \$18.00 and a high of \$90.90.		
(g) Texas reimburses jail rates of \$20, \$30 and \$35.25 per inmate. The actual cost per inmate per day, based on a 1991 study, is between \$37.49 and \$47.63. As a matter of equity, Texas arrived at the \$25.00 rate by averaging the \$20.00 and \$30.00 rates.		
(h) \$8.00 for state warrants, \$6.00 for felons over 2 years, and \$14.53 for officers' salaries and fringe benefits. In many instances, officers' salaries and fringe benefits are absorbed solely by the State of Virginia.		
(i) The State of South Carolina does not reimburse local jails for housing state inmates.		
Source: Louisiana Sheriffs' Association Survey, January 1995.		

As can be seen from Exhibit 6-1, there are some shortcomings with the manner in which the southern average is computed. First, two states (Florida and South Carolina) do not pay local jails to house state prisoners, even though they do house prisoners locally. Nonetheless, these states are not included in the computation of the average. Second, North Carolina's per diem payment appears low, based on what it is paying three other states to house its prisoners. Finally, there is a wide range of rates reported in Exhibit 6-1. Instead of basing the Louisiana per diem on an average of other states that may not be realistic, an alternative would be to use actual cost.

**Southern States'
Per Diems Are
Not Based on
Cost - Texas
and Tennessee
are the
Exceptions**

We conducted a telephone survey of the southern states reported in the Louisiana Sheriffs' Association's survey. Of those states, the only states that reimburse local jails based on actual costs are Texas and Tennessee.

Texas. According to the sheriffs' survey, Texas uses three different fixed rates to reimburse local jails. These rates are based on a 1991 study of actual costs to house the inmates.

Tennessee. Tennessee provides financial incentives to counties that house non-dangerous felony offenders. Tennessee reimburses county jails using two methods. The first method of reimbursement is a fixed rate. The second method of reimbursement is for "reasonable allowable costs" under the County Correctional Incentives Program (CCIP).

In the CCIP program, reasonable allowable costs are defined as "actual, reasonable and necessary costs incurred by a county in operating a local jail, workhouse or penal farm, adjusted for unallowable costs." Unallowable costs include costs that do not relate to the incarceration or care of inmates in a correctional facility. Unallowable costs include certain medical costs, excessive staffing costs, certain salary costs, and various other types of costs. If a Tennessee facility is participating in the CCIP and incurs costs that are less than the fixed rates, it is paid at least the fixed rate applicable to the facility, depending on the capacity of the facility.

For the CCIP, counties report daily inmate cost at the end of the year by using Cost Data Sheets For Final Cost Settlement and supporting schedules that accompany the sheets. A copy of the Cost Data Sheet is provided in Appendix H. Final cost settlements at the end of the fiscal year are at 100 percent of final cost determination.

Facilities that do not participate in the CCIP may be paid at a fixed rate of \$18 for housing capacity of less than 100 inmates or at \$20 for housing capacities of 100 or more inmates. Facilities are also allowed to contract with the Department of Correction for a different fixed rate. Ninety-five counties with 100 penal facilities house state prisoners in Tennessee. A summary of reimbursement arrangements for the year ending June 30, 1994, is shown in Exhibit 6-2.

Tennessee's program gives county jails the opportunity to be compensated at fair rates for housing state prisoners. The state's guidelines are based on the premise that the state will pay its fair share of the costs for housing state prisoners in local facilities.

Louisiana. In Louisiana, the per diem is based on an average of southern states' per diems, as was previously explained. The current per diem of \$21 may be more than the actual costs to the local jails. In contrast, it could be insufficient to cover the costs of local sheriffs. To make this determination, a cost evaluation needs to be performed. To date, such an evaluation has not been done.

Exhibit 6-2		
Tennessee Department of Correction		
Payments to Counties for Housing State Prisoners		
Fiscal Year Ending June 30, 1994		
Reimbursement Plan	Number of Facilities Participating	Average Daily Rate
Reasonable Allowable Costs	76	\$33.66
Fixed Daily Rate of \$18 or \$20, depending on number of beds	20	
Contracted Flat Daily Rate of \$25	4	
Source: Prepared by Legislative Auditor's staff using information provided by the Tennessee Department of Correction.		

Jail Guidelines May Impact Local Jails' Actual Costs

The Department of Public Safety and Corrections and the Louisiana Sheriffs' Association jointly developed the Basic Jail Guidelines, a set of standards that govern the treatment and services provided for state inmates housed in local jails. The guidelines became effective in October 1994.

Every local jail housing state inmates has to be certified according to standards set forth in the Basic Jail Guidelines. For smaller facilities, this may require an upgrade in the facility or services provided, which may increase costs for these jails. This increase in costs should be a factor in determining whether to restructure the current per diem.

Recommendation

The Department of Public Safety and Corrections should do one of two things:

- Conduct an audit of each parish jail to determine the actual costs of housing a designated number of state inmates. The Department could then either pay each parish a fixed rate per prisoner, varying the rates by parish, or pay all parishes a fixed rate based on the average costs of all parishes.
- Alternatively, the Department could reimburse parish jails based on "reasonable allowable costs," using the Tennessee program as a model.

Matter for Legislative Consideration

If a decision is made to reimburse local jails based on reasonable allowable costs, the legislature should work with the Department of Public Safety and Corrections and the Louisiana Sheriffs' Association to draft legislation. This legislation would provide a system to compensate local jails for reasonable allowable costs incurred as a result of housing state prisoners.

Appendix A

Study Initiation

Appendix A: Study Initiation

The Louisiana Legislature established the Select Council on Revenues and Expenditures in Louisiana's Future (SECURE) through Senate Concurrent Resolution (SCR) 192 in the 1993 Regular Legislative Session. The council was created to develop recommendations to improve the financial future of the state and the quality of life of its citizens. The resolution provided for the council to be composed of 27 members representing state and local government, private industry, education, labor, and special interest groups.

The SECURE effort has thus far consisted of two phases of study. In Phase One, SECURE contracted with the consulting firm of KPMG Peat Marwick (KPMG) to conduct a preliminary study of various facets of state government. In response to a directive in SCR 192, the Louisiana Legislative Auditor dedicated 35 members of his staff to work under the direction of KPMG.

During Phase One, staff from KPMG and the Office of Legislative Auditor conducted studies of Personnel and Benefits, Organization and Staffing, and State Cash Management Practices. Staff also conducted policy analyses on a variety of topics. These policy analyses identified areas with potential opportunities for immediate financial savings and issues with possible long-term impacts that warranted further study. SECURE issued a report containing its recommendations to the legislature before the 1994 Regular Legislative Session. After the Phase One report, the legislature passed several concurrent resolutions and a constitutional amendment designed to improve the efficiency of state government operations.

The legislature reauthorized SECURE in the 1994 Third Extraordinary Legislative Session to continue its efforts in developing recommendations to improve the financial future of the state and the quality of life of its citizens. The composition of the council was increased from 27 members to 30 members. This continuation of efforts became known as Phase Two of the SECURE project.

In Phase Two of SECURE, the legislature again directed the Office of Legislative Auditor to provide services to the project, and SECURE again contracted with KPMG. The scope of the work in Phase Two was to continue some studies begun in Phase One and to conduct some new studies. The Phase Two agenda consists of two performance audits, a tax policy and fiscal model analysis, and follow-up of various issues identified in the Phase One work. SECURE divided the individual study items between the Office of Legislative Auditor and KPMG and assigned the following Phase Two projects to the Office of Legislative Auditor:

- ♦ Performance Audit of Planning, Budgeting, and Program Evaluation
- ♦ Performance Audit of State Procurement Practices
- ♦ Follow-up to Performance Audit of Personnel and Benefits
- ♦ Further Study of Corrections and Justice issues

- ♦ Further Study of General Fiscal issues
- ♦ Further Study of General Government issues
- ♦ Further Study of Infrastructure issues

This report addresses Corrections and Justice issues in Louisiana.

Appendix B

Felony Sentencing Guidelines Grid

Appendix B: Felony Sentencing Guidelines Grid

*	A (5.0+)	B (4.9-4.0)	C (3.9-3.0)	D (2.9-2.0)	E (1.9-1.0)	F (0.9-0.1)	G (0)	
0 Murder Aggravated Rape Dist. of Drugs to a child Aggr. Kidnapping	LIFE	LIFE	LIFE	LIFE	LIFE	LIFE	LIFE	Incarceration Sanction Zone
1 Armed Robbery Forcible Rape Manslaughter Aggr. Burglary Kidnapping II	360-330	300-270	240-210	180-150	126-96	102-72	90-60	
2 Aggr. Battery Robbery I Dist. of Sched. II narc. Simple Rape	240-210	180-150	126-96	108-84	84-72	72-60	60-36	Discretionary Sanction Zone
3 Molestation of Juvenile Purse Snatching Battery II Simple Burglary - inhabited Simple Escape	144-120	108-84	84-72	66-54	60-48	54-36	48-24	
4 Carnal Know. of Juvenile Simple Burglary Simple Criminal Damage to Prop. I > = \$50,000	240-160	225-150	210-140	195-130	180-120	165-110	150-100	
5 Forgery Ind. Behavior w/ Juveniles Illegal Possession of Stolen Goods I > = \$500 Theft I > = \$500	120-96	84-66	72-54	42-30	36-24	36-18	36-18	
6 Simple Arson I > = \$500 Unlawful Entry Place of Business Simple Criminal Damage to Prop. II > = \$500	225-150	210-140	195-130	180-120	165-110	150-100	135-90	Intermediate Sanction Zone
7 Illegal Possession of Stolen Goods II > = \$100 Poss. of Drugs I, Non-narc. Theft II > = \$100	72-60	66-54	46-36	36-24	30-18	(30-18)	(30-15)	
8 Contraband Possession of Sched. II Non-narc., III, IV Drugs Simple Arson II < \$500	210-140	195-130	180-120	165-110	150-100	135-90	120-80	
9 Crime against nature Prostitution Simple Escape Simple Possession Marijuana	60-48	30-24	24-18	(24-18)	(24-15)	(24-12)	(24-12)	

* Most frequently occurring offenses for each level are listed.

Source: Created by Legislative Auditor's staff using Louisiana Register Vol. 18, No. 5, May 20, 1992.

(a)	(c)	A	B	C	D	E	F	G	(e)
(d)	5+	4.9-	3.9-	2.9-	1.9-	0.9-	0		
		4.0	3.0	2.0	1.0	0.1			
	0(b)								Incarceration Zone
	1								
	2								
	3								Discretionary Sanction Zone
	4								
	5								
	6								
	7								Intermediate Sanction Zone
	8								
	9								

- (a) This column contains a list of offenses. Offenses included are the most frequently occurring offenses for each level. The offense of conviction determines the appropriate seriousness level.
- (b) This column is the Crime Seriousness Level. Each crime is ranked according to the seriousness of the crime. Zero is the most serious and nine is the least serious.
- (c) This letter represents the classification of the Offender's Criminal History. Class A is the most serious and Class G is the least serious criminal history.
- (d) This number is a score range. The offender's criminal history is scored in points according to certain criteria. Five is the most serious and zero is the least serious. The offender's criminal history index score determines the appropriate criminal history class at the top of the grid. Points are added for prior felony and misdemeanor convictions, prior adjudications of delinquency, and custody status at the time of the current offense.
- (e) **Incarceration Sanction Zone** - The area above the shaded area. The court should impose a sentence consisting exclusively of incarceration for offenses falling in this area. Each cell in this zone contains a sentence range of incarceration in months.

Discretionary Sanction Zone - shaded area - The court can impose a sentence of incarceration, intermediate sanction, or a combination, depending on the circumstances. The top number represents (in months) the range for incarceration, and the bottom number represents the range (in sanction units) for intermediate sanctions. Sanction units are converted into a number of different sanctions of varying durations, using an Intermediate Sanction Exchange Rate Table.

Intermediate sanctions appropriate in this zone can include, but are not limited to, shock incarceration or work release.

Intermediate Sanction Zone - The area below the shaded area. The court should impose a sentence consisting of an intermediate sanction, which in this zone could include, but are not limited to, probation, home incarceration, community service, or economic sanctions. The Intermediate Sanction Exchange Rate Table would be used to convert the sanction units to an appropriate sanction of a designated duration.

Example:

If an offender was convicted of aggravated battery and had a previous felony conviction of forgery:

1. Aggravated battery is a Level 2 offense.
2. Two points would be given according to the Criminal History Index Score for Prior Felony Convictions because forgery is a Level 5 offense.
3. Offender would then have a Criminal History Classification of D, because the Criminal History Index Score would fall between the 2.9-2.0 range, under Level D.
4. The offense would then fall into the Incarceration Sanction Zone.
5. Therefore, an appropriate sentence under the grid would be mandatory incarceration of between 108-84 months because that is where Level 2 and Level D intersect.

If there were no previous convictions:

1. The offender History Classification would fall at Level G because there would be no points in the Criminal History Index Score.
2. The offense would be classified in the Discretionary Sanction Zone.
3. An appropriate sentence could consist of either from 60-36 months of incarceration, 165-110 intermediate sanction units, or a combination of both.
4. If 110 sanction units were imposed, the sanction units would be converted to an appropriate sanction and duration, using the Intermediate Sanction Exchange Rate Table.
5. An appropriate sentence could then be 55 months of probation or 6.87 months of prison.

Criminal History Index Score for Prior Felony Convictions	
Crime Seriousness Level for Prior Felony Conviction	Criminal History Index Points
Level 0	5 Points
Level 1	3 Points
Level 2	3 Points
Level 3	2 Points
Level 4	2 Points
Level 5	2 Points
Level 6	1 Point
Level 7	1 Point
Level 8	1 Point
Level 9	1 Point

Source: Louisiana Administrative Code, Title 22, Section 402.A.

Intermediate Sanction Exchange Rate Table		
Sanction	Duration	Sanction Unit Value
Prison	1 Month	16
Jail	1 Month	16
Shock Incarceration*	1 Week	4
Work Release**	1 Week	4
Halfway House**	1 Week	4
Periodic Incarceration	7 Days	4
Home Incarceration**	1 Month	3
Intensive Supervision*	1 Month	3
Day Reporting	1 Month	3
Treatment--Residential	1 Month	3
Treatment--Nonresidential, such as: Drug Counseling Alcohol Counseling Parental Counseling (child abuse/neglect cases) Aggressive Behavior Therapy	15 Hours	3
Probation (Supervised with Standard Conditions)	1 Month	2
Community Service (Successfully Completed)	20 Hours	1
Rehabilitative Efforts (Successfully Completed)	20 Hours	1
Loss of Privilege (No Violations)	90 Days	1
Drug Monitoring (Drug Free)	90 Days	1
Unsupervised Probation	1 Month	1
Economic Sanction	Amount of Average Monthly Income	10
* Only available under the provisions of LSA-R.S. 15:574.4 and 15:574.5.		
** May require approval of appropriate correctional officials.		
Source: Louisiana Administrative Code, Title 22, Section 403.C.		

Appendix C

State and Federal Systems
That Use Sentencing Guidelines

Appendix C: State and Federal Systems That Use Sentencing Guidelines

SYSTEM	YEAR GUIDELINES ENACTED	GUIDELINES WERE ENACTED TO:	CAN JUDGE DEPART FROM GUIDELINES?
ALASKA	Presumptive and mandatory minimums enacted in 1980.	Provide more equal sentencing.	Yes. Judge may have discretion based on past history, mitigating or aggravating circumstances.
ARKANSAS	1993 (effective Jan. 1, 1994)	Provide more equal sentencing, relieve prison overcrowding, eliminate discretionary parole.	Yes
FLORIDA	Oct. 1, 1983, restructured Jan, 1994	Provide more equal sentencing, eliminate discretionary parole, devise and implement a uniform sentencing policy.	Yes
KANSAS	1993	Provide more equal sentencing; eliminate discretionary parole, control need for capacity expansion.	Yes
LOUISIANA	1992	Provide more equal sentencing; increase turnover/reduce length of incarceration rather than numbers incarcerated.	Yes, but judge must give reason on record.
MARYLAND	1983	Provide more equal sentencing throughout the state.	Yes.
MICHIGAN	1984	Provide more equal sentencing throughout the state.	Yes, but judge must give reason on record.
MINNESOTA	1980	Provide more equal sentencing, eliminate discretionary parole, provide proportionality in sentencing and coordinate sentencing policies with correctional resources to ensure available prison space for violent and repeat offenders.	Yes.
NEW MEXICO	Not available.	Provide more equal sentencing throughout the state.	No.
NEW YORK	1965	Ensure that certain types of offenders receive certain minimum terms of imprisonment.	No.
NORTH CAROLINA	1993	Relieve prison overcrowding, eliminate discretionary parole.	No, but discretion is allowed within guidelines.
OREGON	1989	Provide more equal sentencing; eliminate discretionary parole, impose longer sentences for serious offenders, use prison for those convicted of violent and other person crimes.	Yes.
PENNSYLVANIA	1978 - created 1982 - in effect	Provide more equal sentencing and harsher sentences.	Yes, with written justification.
RHODE ISLAND	Not available	Provide more equal sentencing throughout the state.	Yes.
TENNESSEE	Nov. 1989	Provide more equal sentencing; relieve prison overcrowding.	No.
VIRGINIA	Jan. 1, 1991	Provide more equal sentencing throughout the state.	Yes.
WASHINGTON	1984	Provide more equal sentencing, eliminate discretionary parole.	Yes.
WISCONSIN	1984	Provide more equal sentencing throughout the state or jurisdiction, encourage proportionality in sentencing.	Yes, as long as reasons for deviation are noted.
FEDERAL	1987	Provide more equal sentencing; eliminate discretionary parole.	Yes, but sentence can be appealed.

Source: *Corrections COMPENDIUM*, July 1994.

Appendix D

Survey of Southern States'
Probation and Parole
Agency Functions and Programs

Appendix D: Survey of Southern States' Agency Functions and Programs

SURVEY QUESTIONS (Does your agency...)	AL	AR	FL	GA	KY	LA	MS
1. Have a probation program?	Y	Y	Y	Y	Y	Y	Y
2. Have a parole program?	Y	Y	Y	Y	Y	Y	Y
3. Handle pardon activities?	Y	Y	Y	Y	N	Y	N
4. Combine probation and parole?	N	N	Y	N	Y	Y	Y
5. Conduct investigations?	Y	Y	Y	Y	Y	Y	Y
6. Have responsibility for half-way houses, work release, restitution centers, etc.?	N	N	Y(1)	N	Y	Y	N
7. Supervise both felony and misdemeanor cases?	Y	N	N	Y	N	Y	N
8. Have an intensive supervision program?	N	N	N	PB-N PA-Y	Y	Y	Y
9. Have law enforcement functions -							
A. Do agents carry weapons?	Y	PB-N PA-Y	Y	Y	Y	Y	Y
B. Do agents make arrests?	Y	PB-N PA-Y	N	Y	Y	Y	Y
C. Do agents transport offenders?	N	N	N	PB-N PA-Y	Y	Y	N
D. Are agents Police Officer Standard Training (POST) certified?	Y	N	N	Y	Y	Y	Y
10. Collect funds -							
A. Restitution?	N	Y	Y	Y	N	Y	Y
B. Supervision fees?	Y	Y	Y	Y	N	Y	Y
11. Have sex offender notification requirements?	N	N	N	N	N	Y	N
12. Have American Correctional Association (ACA) accreditation?	N	N	Y	PB-N PA-Y	N	Y	N
Legend: Y-Yes N-No PB-Probation PA-Parole							
(1) Drug offenders only.							
Note: States with separate Probation and Parole agencies may have different responses to the same question.							

SURVEY QUESTIONS (Does your agency...)	NC	OK	SC	TN	TX	VA
1. Have a probation program?	Y	Y	Y	Y	Y	Y
2. Have a parole program?	Y	Y	Y	Y	Y	Y
3. Handle pardon activities?	Y	Y	Y	PB-N PA-Y	PB-N PA-Y	Y
4. Combine probation and parole?	Y	Y	Y	N	N	Y
5. Conduct investigations?	Y	Y	Y	PB-Y PA-N	N	Y
6. Have responsibility for half-way houses, work release, restitution centers, et cetera?	N	N	Y	N	Y	Y
7. Supervise both felony and misdemeanor cases?	Y	Y	Y	PB-Y PA-N	PB-Y PA-N	Y
8. Have an intensive supervision program?	Y	Y	Y	PB-Y PA-N	Y	Y
9. Have law enforcement functions -						
A. Do agents carry weapons?	N(2)	Y	Y	N	N	Y
B. Do agents make arrests?	Y	Y	Y	N	N	Y
C. Do agents transport offenders?	Y	Y	Y	N	N	N
D. Are agents Police Officer Standard Training (POST) certified?	Y	Y	Y	N	PB-Y PA-N	Y
10. Collect funds -						
A. Restitution?	Y	Y	Y	N	Y	Y
B. Supervision fees?	Y	Y	Y	Y	Y	Y
11. Have sex offender notification requirements?	N	N	N	N	N	N
12. Have American Correctional Association (ACA) accreditation?	N	Y	N	N	PB-N PA-Y	N
Legend: Y-Yes N-No PB-Probation PA-Parole						
(2) Intensive Supervision Agents are the only ones who carry weapons.						
Source: Survey conducted by the Division of Probation and Parole, January 1995.						
Note: Due to time constraints, the Legislative Auditor's staff did not conduct an independent survey or verify the information contained in this survey.						

Appendix E

Division of Probation and Parole Workload Conversion Chart

Appendix E: Division of Probation and Parole Workload Conversion Chart

September 1, 1992
(1 Unit = 2.4 Man Hours)

Type of Work	Man Hours	Workload Units
NEW PROCESSINGS	2.50	1.04
SUPERVISION		
Intensive (Impact Cases)		
Phase 1	10.90	4.54
Phase 2	7.70	3.21
Phase 3	3.20	1.33
Maximum	1.78	0.74
Medium	0.65	0.27
Minimum	0.28	0.12
Warrant/Abscond	0.25	0.10
Administrative	0.25	0.10
INVESTIGATIONS		
Pre-Sentence	6.50	2.70
Post-Sentence	5.30	2.21
Pre-Parole	5.10	2.13
Pre-Exit	3.70	1.54
Clemency	3.70	1.54
Sentencing Guidelines	3.00	1.26
Transfer	1.50	0.63
Miscellaneous	1.50	0.63
PSI Addendum	2.50	1.04
VIOLATIONS		
Preliminary Hearings Waived	3.90	1.63
Preliminary Hearings Held	5.50	2.29
Revocation Hearing	3.30	1.38
Source: Department of Public Safety and Corrections, Corrections Services, Division of Probation and Parole.		

Appendix F

Certified Prison Industry
Enhancement (PIE) Programs

**Appendix F
Certified PIE Programs
Quarter Ending September 30, 1994**

STATE OR COUNTY	DATE CERTIFIED	PRODUCTS OR SERVICES*	TOTAL INMATES EMPLOYED	TOTAL GROSS WAGES	TOTAL ROOM AND BOARD	TOTAL TAXES	TOTAL VICTIMS' PROGRAMS	TOTAL FAMILY SUPPORT
Alaska	May 1989	No active projects	0	\$0	\$0	\$0	\$0	\$0
Arizona	March 1991	Treated wood T-shirts Sports hats Furniture	11	\$17,648	\$2,768	\$3,069	\$1,765	\$1,080
California	August 1985	Reservation service Facility maintenance Glass & plastic Security products Garbage recycling	255	\$486,985	\$81,919	\$77,367	\$79,080	\$32,089
Colorado	January 1990	Saddles Leather goods Canvas	39	\$47,825	\$8,510	\$5,509	\$8,510	\$2,042
Connecticut	January 1989	Micrographics Baseball caps Wire Cable Connections	26	\$44,730	\$8,946	\$4,276	\$2,237	\$527
Delaware	July 1992	No active projects	0	\$0	\$0	\$0	\$0	\$0

* This list is not exhaustive.

STATE OR COUNTY	DATE CERTIFIED	PRODUCTS OR SERVICES*	TOTAL INMATES EMPLOYED	TOTAL GROSS WAGES	TOTAL ROOM AND BOARD	TOTAL TAXES	TOTAL VICTIMS' PROGRAMS	TOTAL FAMILY SUPPORT
Hawaii	October 1992	Dry cleaning & laundry Papaya packing & pureeing Macadamia nut processing	17	\$20,245	\$4,049	\$4,161	\$1,012	\$0
Idaho	July 1986	Assembly of custom wood speakers	0	\$0	\$0	\$0	\$0	\$0
Indiana	July 1992	No active projects	0	\$0	\$0	\$0	\$0	\$0
Iowa	August 1989	No active projects	0	\$0	\$0	\$0	\$0	\$0
Kansas	July 1986	Awards & plaques Metal fabrication Drafting work Children's clothing	59	\$153,043	\$24,861	\$48,243	\$6,278	\$189
Louisiana	January 1994	No active projects (Garment project began 10/94)	0	\$0	\$0	\$0	\$0	\$0
Maine	October 1988	Preparation/processing of bulk mailing & mailing lists License plates Signs Ash trays	5	\$18,740	\$3,990	\$0	\$937	\$0
Maryland	August 1992	Vinyl cylinders	0	\$0	\$0	\$0	\$0	\$0

* This list is not exhaustive.

STATE OR COUNTY	DATE CERTIFIED	PRODUCTS OR SERVICES*	TOTAL INMATES	TOTAL GROSS WAGES	TOTAL ROOM AND BOARD	TOTAL TAXES	TOTAL VICTIMS' PROGRAMS	TOTAL FAMILY SUPPORT
Minnesota	November 1985	Metal fabrication Manufacture/assembly of bird feeders & planters	59	\$120,538	\$0	\$1,457	\$10,019	\$0
Missouri	March 1989	Drafting/computer-aided design services	0	\$0	\$0	\$0	\$0	\$0
Montana	January 1994	Fluid protection device	9	\$3,516	\$1,750	\$12	\$263	\$0
Nebraska	October 1987	Telemarketing Wood picnic tables Manufacture wood door panels	26	\$76,129	\$11,814	\$13,073	\$3,807	\$18,195
Nevada	August 1985	Manufacture vinyl waterbeds Manufacture wood products Manufacture limousines Household furniture Electric circuit board assembly	206	\$302,091	\$74,057	\$26,054	\$17,924	\$125
N.H.-Belknap County	October 1988	Manufacture crutches Assemble plastic dividers	2	\$2,995	\$959	\$332	\$150	\$0
N.H.-Strafford County	June 1988	Pharmaceuticals Cosmetics Food industry Assemble output chokes	10	\$19,124	\$10,518	\$97	\$956	\$0

* This list is not exhaustive.

STATE OR COUNTY	DATE CERTIFIED	PRODUCTS OR SERVICES*	TOTAL INMATES EMPLOYE	TOTAL GROSS WAGES	TOTAL ROOM AND BOARD	TOTAL TAXES	TOTAL VICTIMS' PROGRAMS	TOTAL FAMILY SUPPORT
New Mexico	November 1986	Telemarketing	0	\$0	\$0	\$0	\$0	\$0
North Carolina	May 1993	No active projects	0	\$0	\$0	\$0	\$0	\$0
Oklahoma	July 1987	Telemarketing Garment manufacturing Battery-operated blenders Automotive accessories	15	\$30,693	\$9,320	\$3,954	\$1,535	\$0
Oregon	March 1989	Manufacture wood pallets Asbestos abatement Household furniture products	90	\$208,824	\$104,439	\$22,289	\$10,444	\$10,444
South Carolina	December 1987	Bedspreads Draperies Contract furnishings Women's clothing Electronic cables	238	\$212,186	\$37,303	\$30,247	\$10,602	\$50,868
South Dakota	January 1991	Compile/publish county atlases Ice scrapers Construction/assembly of truck suspensions & boat docks	8	\$8,377	\$2,513	\$932	\$503	\$503

* This list is not exhaustive.

STATE OR COUNTY	DATE CERTIFIED	PRODUCTS OR SERVICES*	TOTAL INMATES EMPLOYE	TOTAL GROSS WAGES	TOTAL ROOM AND BOARD	TOTAL TAXES	VICTIMS' PROGRAMS	FAMILY SUPPORT
Tennessee	January 1991	Outerwear boxer shorts Lined/unlined drapery panels Cargo restraint systems Toys & wood furniture	102	\$137,189	\$72,295	\$3,146	\$6,863	\$0
Texas	February 1993	Brass valves & fittings Optical products Electronic circuit boards	89	\$223,811	\$61,042	\$26,675	\$30,713	\$29,646
Texas-Red River County	February 1993	No active projects	0	\$0	\$0	\$0	\$0	\$0
Utah	December 1985	Manufacture road signs Manufacture clothing	55	\$94,014	\$18,803	\$2,441	\$9,401	\$0
Vermont	January 1993	Metal snowshoes	3	\$3,720	\$446	\$315	\$558	\$446
Washington	March 1987	Garment manufacturing Beef cattle Telemarketing Sheet metal fabrications	199	\$500,265	\$96,781	\$54,317	\$24,383	\$8,574
Wisconsin	January 1993	Wood crate for deck candle	0	\$0	\$0	\$0	\$0	\$0
* This list is not exhaustive.								
Source: Prepared by Legislative Auditor's staff using information provided by Prison Enterprises.								

Appendix G

Cost Comparison of State
versus

Privately-Managed Prisons

Fiscal Years 1991-92 through
1993-94

Appendix G					
Cost Comparison of State versus Privately-Managed Prisons					
Fiscal Year 1991-92					
	Avoyelles Corr. Ctr. (AVC) *	Winn Corr. Ctr. (WNC) **	Allen Corr. Ctr. (ALC) **	Difference AVC vs. WNC	Difference AVC vs. ALC
Average Population (365 Days)	699	681	674	18	25
Actual Facility Cost/Per Diems	\$6,681,684	\$6,044,227 (1)	\$6,024,095 (2)	\$637,457	\$657,589
Cost/Inmate/Day (Facility Cost)	\$26.12	\$24.25	\$24.42	\$1.87	\$1.70
<u>Other Costs</u>					
Professional Services (HQ)	\$70,147			\$70,147	\$70,147
Risk Management Insurance (3)	\$78,653	\$25,159	\$22,079	\$53,494	\$56,574
Contract Monitors (HQ, Winn, Allen)		\$81,389	\$71,810	(\$81,389)	(\$71,810)
HVAC (Admin. & Support - Winn, Allen) (4)		\$48,834	\$49,980	(\$48,834)	(\$49,980)
Subtotal Other Costs	\$148,800	\$155,382	\$143,869	(\$6,582)	\$4,931
Total Costs	\$6,830,484	\$6,199,609	\$6,167,964	\$630,875 (5)	\$662,520 (6)
Cost/Inmate/Day (Total Costs)	\$26.70	\$24.87	\$25.00	\$1.83	\$1.70

(1) Includes \$25,000 credit for legal expenses, \$2,500 for a vehicle replacement, \$20,511 for hospital security costs, and \$1,636 for hospital costs.
 (2) Includes \$7,983 for hospital security costs.
 (3) Represents estimates from Office of Risk Management. No funds were budgeted or expended.
 (4) Heating, ventilating, and air conditioning system.
 (5) Approximately \$163,000 of this difference is attributable to the fact that the expansion at Avoyelles was opened earlier than Winn's.
 (6) Approximately \$228,000 of this is attributable to the fact that the expansion at Avoyelles was opened earlier than Allen's.

* This prison is managed by the state.
 ** This prison is privately managed.

Source: Prepared by Legislative Auditor's staff using information provided by the Department of Public Safety and Corrections.

Appendix G					
Cost Comparison of State versus Privately-Managed Prisons					
Fiscal Year 1992-93					
	Avoyelles Corr. Ctr. (AVC) *	Winn Corr. Ctr. (WNC) **	Allen Corr. Ctr. (ALC) **	Difference AVC vs. WNC	Difference AVC vs. ALC
Average Population (365 Days)	1,135	1,094	1,043	41	92
<u>Actual Facility Cost/Per Diens</u>	\$9,557,889 (1)	\$9,005,472 (2)	\$8,600,531 (3)	\$552,417	\$957,358
<u>Cost/Inmate/Day (Facility Cost)</u>	\$23.07	\$22.55	\$22.59	\$0.52	\$0.48
<u>Other Costs</u>					
Professional Services (HQ)	\$94,751			\$94,751	\$94,751
Risk Management Insurance (4)	\$297,178	\$31,609	\$37,359	\$265,569	\$259,819
Contract Monitors (HQ, Winn, Allen)		\$73,828	\$75,804	(\$73,828)	(\$75,804)
HVAC (Admin. & Support - Winn, Allen)		\$48,624	\$49,980	(\$48,624)	(\$49,980)
Subtotal Other Costs	\$391,929	\$154,061	\$163,143	\$237,868	\$228,786
Total Costs	\$9,949,818	\$9,159,533	\$8,763,674	\$790,285 (5)	\$1,186,144 (6)
Cost/Inmate/Day (Total Costs)	\$24.02	\$22.94	\$23.02	\$1.08	\$1.00

(1) Exclusive of Start-up Costs of \$393,514.
 (2) Exclusive of Start-up Costs of \$441,093.
 (3) Exclusive of Start-up Costs of \$633,639.
 (4) Represents estimates from Office of Risk Management. - No funds were budgeted or expended.
 (5) Approximately \$368,000 of this difference is attributable to the fact that the expansion at Avoyelles was opened earlier than Winn's.
 (6) Approximately \$741,000 of this difference is attributable to the fact that the expansion at Avoyelles was opened earlier than Allen's.

* This prison is managed by the state.
 ** This prison is privately managed.

Source: Prepared by Legislative Auditor's staff using information provided by the Department of Public Safety and Corrections.

Appendix G
Cost Comparison of State versus Privately-Managed Prisons
Fiscal Year 1993-94

	Avoyelles Corr. Ctr. (AVC) *	Winn Corr. Ctr. (WNC) **	Allen Corr. Ctr. (ALC) **	Difference AVC vs. WNC	Difference AVC vs. ALC
Average Population (365 Days)	1,263	1,270	1,271	(7)	(8)
Actual Facility Cost/Per Diems	\$10,241,028	\$10,598,333	\$10,456,159	(\$357,305)	(\$215,131)
Projected Cost/Inmate/Day (Facility Cost)	\$22.22	\$22.86	\$22.54	(\$0.64)	(\$0.32)
Other Costs For					
Risk Management Insurance	\$448,343	\$61,723	\$35,031	\$386,620	\$413,312
Contract Monitors (HQ, Winn, Allen)		\$79,543	\$79,419	(\$79,543)	(\$79,419)
HVAC(Admin. & Support - Winn, Allen)		\$47,724	\$49,980	(\$47,724)	(\$49,980)
Subtotal Other Costs	\$448,343	\$188,990	\$164,430	\$259,353	\$283,913
Total Costs	\$10,689,371	\$10,787,323	\$10,620,589	(\$97,952)	\$68,782
Cost/Inmate/Day (Total Costs)	\$23.19	\$23.27	\$22.89	(\$0.08)	\$0.30

* This prison is managed by the state.

** This prison is privately managed.

Source: Prepared by Legislative Auditor's staff using information provided by the Department of Public Safety and Corrections.

Appendix H

State of Tennessee
Cost Data Sheet

Appendix H: State of Tennessee Cost Data Sheet

Final Cost Settlement
Fiscal Year July 1, 19__ through June 30, 19__

In order to be eligible for reimbursement from the State for housing local felons, all participating local facilities must submit this form to Judicial Cost Accountant, Tennessee Department of Correction, 320 Sixth Avenue North, Nashville, TN 37243-0465.

Section I--General Information	
County _____	Facility _____
Address _____	
Preparer _____ Telephone (____) _____	

Section II--Financial Data Summary	
JAIL OPERATING COST:	
Direct Costs--Personnel (Schedule A)	\$ _____
Other Direct Costs (Schedule B)	_____
Prorated Direct Costs, Contract Services, Consultants (Schedule C)	_____
Equipment Cost (Schedule D)	_____
Building Depreciation (Schedule E)	_____
Indirect Costs (Schedule F)	_____
Total Operating Cost less Revenues and Reimbursements (Schedule G)	\$ _____
Net Operating Cost	\$ _____

Section III--Calculation of Inmate Cost			
_____ Net Operating Cost	divided by	_____ Net Inmate Days = (Schedule H)	_____ Average Daily Cost Per Inmate

CERTIFICATION STATEMENT

This is to certify that, to the best of my knowledge and belief, the above data is accurate, complete, and current, and does not include any unallowable costs prohibited by Sec.0420-2-3-06 of the Rules and Regulations of the State of Tennessee. The records of this agency are available for review by the authorized representative of the Comptroller of the Treasury or the Department of Correction pursuant to Tennessee Code Annotated, Section 8-4-109 and the Rules and Regulations of the Tennessee Department of Correction.

County Executive

Date

Appendix I

Agency Response Letter

DEPARTMENT OF
PUBLIC SAFETY AND CORRECTIONS

EDWIN W. EDWARDS, GOVERNOR



RICHARD L. STALDER, SECRETARY

March 7, 1995

Mr. David K. Greer, CPA, CFE
Performance Audit Director
Office of Legislative Auditor
P.O. Box 94397
Baton Rouge, LA 70804-9397

ATTN: Cheryl A. Tucker-Smith

Dear Mr. Green and Ms. Tucker-Smith:

I appreciate the effort incorporated in the "Corrections and Justice" staff study prepared in response to the SECURE initiative. Your work product demonstrates a recognition of the complexity of the issues.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard L. Stalder".

Richard L. Stalder
Secretary

RLS/ds

c: Dr. Kyle
Mr. LeBlanc
Ms. Antoine
Mr. Granier